

### **REMARKS**

Claims 1-22 and 28-69 are pending in the Application. Of the pending claims, claims 1, 28, 37, 50 and 56 are independent claims. In the Office Action, claims 1-22 and 31-55 stand rejected under 35 U.S.C. 112 and claims 56-65 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 3,825,762 to White ("White"), claim 34 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over White, claims 35 and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over White in view of U.S. Patent No. 5,233,405 to Wildnauer et al ("Wildnauer").

Furthermore, Claims 1-19, 28, 31-50, 56 and 59 stand rejected under the judicially created doctrine of double patenting.

By this amendment, claims 1, 31, 34, 37, 43 and 50 have been amended. No new matter has been introduced. Claims 1-22 and 28-70 are pending in the application.

### **Double-Patenting Rejections**

Applicants have filed new terminal disclaimers concurrently with this amendment and address the Sohma and Wildnauer references below. The new terminal disclaimers are signed by an attorney of record identified in the Power of Attorney filed in the Application on April 15, 2002. Consequently, Applicants request withdrawal of the rejections based on double patenting.

### **The §112 Rejections**

In the Office Action, claims 1-22 and 31-55 are rejected as being indefinite and incomplete. The Examiner states that neither Specification nor Claims define the axis of the mirror or reflective elements. In view of the claim amendments submitted in this response, Applicants respectfully submit that the §112 rejections are moot. The claim amendments are fully supported in the Specification and Drawings and introduce no new matter to the Application. *See, e.g.*, Figs. 5A and 5B. Therefore, Applicants respectfully request withdrawal of the §112 rejections.

### **The Claim Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)**

Applicants respectfully submit that presently submitted amendments to the claims render the §102 and §102 rejections moot and, accordingly, Applicants respectfully request withdrawal of the §102 and §102 rejections.

### CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,  
PILLSBURY WINTHROP SHAW PITTMAN LLP



---

ANTHONY G. SMYTH

Reg. No. 55,636

Tel. No. 858 509.4007

Fax No. 858 509.4010

Date: January 11, 2007  
12255 El Camino Real  
Suite 300  
San Diego, CA 92103-2006  
Telephone: (858) 509-4007  
Customer Number: 27500